II SUMMARY OF MAJOR CHANGES TO DEVELOPMENT PROJECT REVIEW

II.1 INTRODUCTION

The goal of this Chapter is to describe recommended changes to the internal processes of SCVURPPP Co-permittees as they administer Provision C.3 requirements.

The comprehensive requirements of Provision C.3 impact the entire municipal development review process from the initial conceptual planning stages, to engineering design review and on through building permit approvals. This Chapter describes recommended changes to the internal processes of SCVURPPP agencies as they administer Provision C.3 requirements. To ensure successful implementation, each Co-permittee must understand and integrate these requirements into its development review process. The goal of this integration is for every employee at each step of the process to perform the necessary tasks that will minimize the negative impacts of new development and redevelopment on water quality. As a result, property owners and developers, builders and contractors will be guided to plan and build developments that provide stormwater treatment for pollutants and reduce the amount of stormwater runoff.

Provision C.3 Requirements

Several subchapters of Provision C.3 impact the development review process, most notably Provisions C.3.b, and C.3.j, and C.3.m. Under Provision C.3.b, Co-permittees modified their project review processes to incorporate the requirements of Provision C.3. Provision C.3.j addresses site design and review. Under Provision C.3.m, Co-permittees are required "to evaluate water quality effects and to identify appropriate mitigation measures" when conducting CEQA and other environmental reviews of proposed projects.

II.2 MAJOR CHANGES TO THE DEVELOPMENT REVIEW PROCESS

Although, each Co-permittee's review process is slightly different, Attachments II-1 and II-2 provide a general overview depicting how the Provision C.3 requirements fits into the development review process. Attachment II-1 summarizes the typical steps involved with the general process of development project review (Column 1) and indicates at which points in that process a planner, engineer or other appropriate municipal employee should implement the various stormwater requirements (Columns 2 and 3). Column 3 focuses on the additional requirements from the October 2001 Provision C.3 amendment. Attachment II-2

provides a flow chart depicting how the Provision C.3 requirements can be incorporated into a typical municipal review process. [Co-permittees may substitute their own tailored flow charts at this location.]

II.3 DETERMINING THE APPLICABILITY OF PROVISION C.3 TO NEW PROJECTS AND REDEVELOPMENT PROJECTS

Whereas there are certain stormwater requirements for all projects (see below), the amount of impervious surface created or replaced as part of a development project determines whether it falls under the requirements of Provision C.3 and the extent of the Provision C.3 requirements. Project applications submitted and deemed complete prior to October 15, 2003 do not have to comply with Provision C.3. requirements. Project applications submitted and deemed complete between October 15 and April 15, 2005, are evaluated as Provision C.3 Group 1 projects. Project applications submitted and deemed complete after April 15, 2005, are evaluated as Provision C.3 Group 1and Group 2 projects.

See Appendix A for complete definitions of Group 1 and Group 2 projects.

Group 1 Projects. Group 1 projects consist of all new public and private projects that create one (1) acre (43,560 square feet) or more of impervious surface collectively over the entire project site, including roof area, streets and sidewalks. Also, significant redevelopment projects that result in the addition or replacement of impervious surface area that combined totals 1 acre (43,560 square feet) or more qualify for Group 1 status. If more than fifty percent (50%) of the existing impervious surface area is replaced or added, the entire project is included in the design of treatment measures. If less than fifty percent (50%), only that affected portion must be included in treatment design. Excluded from this category are interior remodels and routine maintenance or repair, including roof or exterior surface replacement and repaving.

Group 2 Projects. The Group 2 project definition is in all ways the same as the Group 1 project definition above, except that the size threshold of impervious area for new and significant redevelopment projects is reduced from one (1) acre to 10,000 square feet. The 10,000 s.f. threshold for Group 2 projects may be modified prior to April 15, 2005.

Attachment II-3 includes a flow chart that provides a simplified method for determining whether a project must meet the full requirements of Provision C.3. Attachments II-4 and II-5 provide checklists for Co-permittees and Project applicants, respectively, to determine compliance with Provision C.3 requirements.

Projects Exempt from Provision C.3 Requirements. Table II-1 provides a description of the land uses that are exempt from Provision C.3 requirements. These projects may still need to meet stormwater requirements for all projects (see below).

Table II-1
Projects Exempt from Provision C.3

Land Use Category	Exempted Land Use
Commercial, industrial, or residential developments.	Construction of one single-family home that is not part of a larger common plan of development, with the incorporation of appropriate pollutant source control and design measures, and using landscaping to appropriately treat runoff from roof and house-associated impervious surfaces (e.g., runoff from roofs, patios, driveways, sidewalks, and similar surfaces).
Street, road, highway, and freeway projects that are under the Dischargers' jurisdiction.	Sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features that are part of a street, road, highway or freeway project. Note, these are not exempt when part of commercial, industrial or residential developments.
Significant Redevelopment projects	Interior remodels and routine maintenance or repair, such as roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.

Requirements for All Projects

All projects regardless of size or timing of application must consider the incorporation of appropriate site design and source control measures to minimize the impact of the project on water quality regardless of the amount of impervious surface area being created or replaced (see Appendix B). To meet this standard, Co-permittees should recommend the inclusion of site design and source control measures for all projects. For more information on site design and source control measures, please see Chapter III.

NPDES General "Construction Permit"

All projects disturbing one (1) acre or more of land during construction need to obtain coverage under the State's General Permit for Storm Water Discharges Associated with Construction Activity. Attachment II-6 provides outreach to developers and contractors including descriptions of guidance on complying with the NPDES Construction Permit.

II.4 MODIFICATIONS TO SITE DESIGN STANDARDS

NPDES Permit Provision C.3.j. requires that Co-permittees review their development standards—policies, codes, ordinances, guidelines—and adopt and fully implement changes by September 15, 2004. Program staff has provided separate guidance to Co-permittees to help meet this requirement (see the SCVURPPP website www.scvurppp.org for more information). For more information on site design and source control measures, including model conditions of approval, see Chapter III.

II.5 GUIDANCE FOR IMPROVING THE ENVIRONMENTAL REVIEW PROCESS FOR WATER QUALITY PROTECTION

The City of San Jose formed a work group consisting of Co-permittees and other interested parties to evaluate ways to modify the environmental review process to comply with the NPDES permit's Provision C.3.m. The consensus of the work group was that the statewide CEQA Guidelines checklist (CEQA checklist) questions are sufficient to comply with the NPDES permit. When Provision C.3.m sample environmental review questions were compared to the CEQA checklist, the CEQA checklist questions were sufficiently general enough to encompass the issues identified in the permit's sample questions. Program attention focused on revising local guidance documents rather than changing the statewide developed CEQA checklist. A table titled *Guidance for Co-permittees' Review/Modification of CEQA Procedures and Local CEQA Guidance* providing recommendations on how to improve guidance on the use of the CEQA checklist can be found in Attachment II-6. The table lists the corresponding CEQA Guidelines checklist questions (column 1), and recommends possible action for Co-permittees to take to change CEQA review procedures and local CEQA guidance (column 3). An associated outreach piece to assist those conducting the initial study review is given in Attachment II-7.

Data Tracking

In addition to changing an agency's development review process, Provision C.3 requirements necessitate changes in the data collection and reporting process. Chapter VII addresses data collection and management. The flow chart in Attachment II-2 shows the types and timing of data to be collected during the development review process. (See the information in the parallelograms on the right-hand-side of the chart.)

II.6 REFERENCES

CEQA Guidelines Checklist: California Code of Regulations, Title 14, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, Chapter 15, Appendix G.

ATTACHMENT II-1

Implementation of Provision C.3
Summary of Major Changes to the
Development Project Review Process

Attachment II-1: SCVURPPP Implementation of Provision C.3.
Summary of Major Changes to the Development Project Review Process

Project Review Process Activity (Private Project)	Previous Stormwater-Related Requirements	Additional Stormwater-Related Requirements Per Provision C.3.	Tools or Model Documents to Assist Implementation	Provision C.3 Handbook Reference
Pre-submittal Meeting/Conceptual Review (if needed)	• Provide applicant information on development policies and requirements for stormwater controls and BMPs. • Provide applicant information on what is required for design review.	• Provide information on new requirements for stormwater controls and BMPs, including pesticide reduction measures. • Check size of project and extent of re-development and determine applicability of Group 1 requirements (C.3.c.i.).	• Fact sheets on new requirements (C.3. provision and local) • BASMAA "Using Site Design Techniques to Meet Development Standards for Stormwater Quality," CDM, May 2003 (available at www.scvurppp.org) . • BASMAA Start at the Source,1999 (available at www.scvurppp.org) • Pesticide reduction conditions of approval fact sheets • Provision C.3 data collection form (if needed for calculations)	• Attachment I-1 - New Stormwater Requirements What Developers, Builders and Project Applicants Need to Know • Chapter III.3, Attachment II-3. C.3 Applicability Flow Chart • Attachment III-5 Selection Matrix for Stormwater Quality Measures • Attachment III-4 List of Treatment Control Vendors • Attachment III-1 Model Conditions of Approval for Stormwater Quality • Vector Control Guidance (Chapter III, Appendix E) • Chapter III-6; Attachment III-5 (pesticide reduction education materials) • Attachment VII-2 Provision C.3. Data Form

Attachment II-1: SCVURPPP Implementation of Provision C.3. Summary of Major Changes to the Development Project Review Process

Project Review Process Activity (Private Project)	Previous Stormwater-Related Requirements	Additional Stormwater-Related Requirements Per Provision C.3.	Tools or Model Documents to Assist Implementation	Provision C.3 Handbook Reference
Plan Submittal	• Check application for completeness regarding existing and proposed impervious surfaces and stormwater facilities. • Provide applicant information on what is required for design review.	• Check size of project and extent of re-development and determine applicability of Group 1 and Group 2 requirements (C.3.c.i.). • Require and log information related to project size, area of land disturbance, and amount of impervious surface (C.3.n.i.).	• Outreach to developers re: new requirements • Provision C.3 data collection form	• Attachment II-4 Checklist for Project Proponents • Chapter III.3, Attachment III-3. C.3 Applicability Flow Chart • Attachment VII-2 Provision C.3. Data Form
CEQA Assessment (may be concurrent with Plan Submittal)	• Analyze possible stormwater quality and quantity impacts and propose appropriate mitigation measures.	• Evaluate additional questions related to water quality impacts (C.3.m.) and propose mitigation measures consistent with other Provision C.3	• Guidance on initial study checklist	• Chapter III-5 • Attachment III-7
Design Review/Plan Check	• Check that all required control measures are included in plans. • Ensure that any necessary O&M agreements are prepared.	• Check use of appropriate site design, source control, and treatment control measures (C.3.b., c., j., k.). • Evaluate design criteria and determine whether BMPs are sized properly (C.3.d.). • Evaluate use of infiltration devices, if any, and groundwater protection measures (C.3.i.). • Log information on site design and treatment measures used, sizing criteria used, and O&M responsibility mechanism (C.3.n.ii.). • Document alternative certification of design criteria (if utilized) (C.3.h.).	• SCVURPPP C.3 Handbook • SCVURPPP C.3 Handbook • Results of SCVWD Water Resources Collaborative (under development) • Provision C.3 data collection form • List of professionals qualified to do certification; stormwater control measures data collection form	• Chapter III • Chapter IV • Chapters III and V • Attachment VII-3 Provision C.3. Data Form

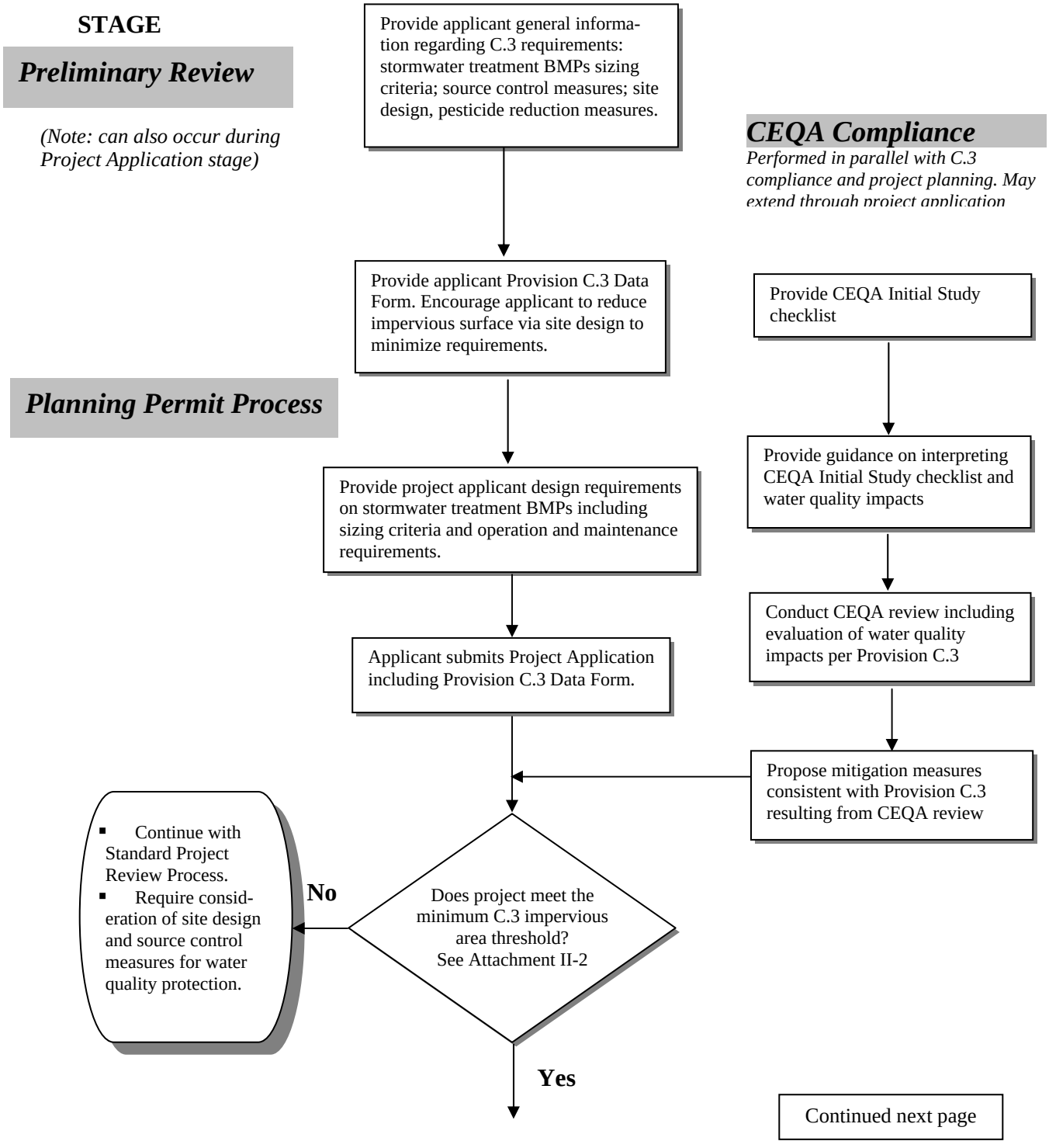
Attachment II-1: SCVURPPP Implementation of Provision C.3. Summary of Major Changes to the Development Project Review Process

Project Review Process Activity (Private Project)	Previous Stormwater-Related Requirements	Additional Stormwater-Related Requirements Per Provision C.3.	Tools or Model Documents to Assist Implementation	Provision C.3 Handbook Reference
Conditions of Approval	• Impose stormwater related conditions on project for permit approval.	• Impose additional conditions of approval related to site design/landscape requirements, source controls, treatment controls, peak flow controls, pesticide control measures, and O&M requirements. (C.3. e., f., g., i., j., k.). • Log types of pesticide reduction measures required in COAs (C.3.n.iii.).	• Standard set of stormwater conditions, developed from SCVURPPP C.3 Handbook, Planning Procedures Performance Standard, HMP, and other sources. • Provision C.3 data collection form (includes these measures)	• Attachment III-1 Model Conditions of Approval for Stormwater Quality; • Chapter V (HMP), to be developed • Attachment VII-2 Provision C.3. Data Form
Permit Issuance/ Project Approval	• Ensure all stormwater conditions and CEQA mitigations are included in project. • Ensure necessary maintenance agreements have been signed. • Check NOI, SWPPP and/or grading plan if needed.	• Check that additional O&M documentation is complete (C.3.e.ii.). • Check final impervious surface area and confirm applicability of Group 1 or 2 requirements.	• Provision C.3 data collection form or separate form	• Chapter VI • Attachment VII-3 Provision C.3. Data Form
Post-construction Operation and Maintenance	• Require ongoing maintenance of post-construction controls	• Conduct O&M Verification Program (c.3.e.) • Log information on inspections	• SCVURPPP C.3 Handbook, Operation and Maintenance Chapter	• Chapter VI • Attachment VI-3—Maintenance Fact Sheets

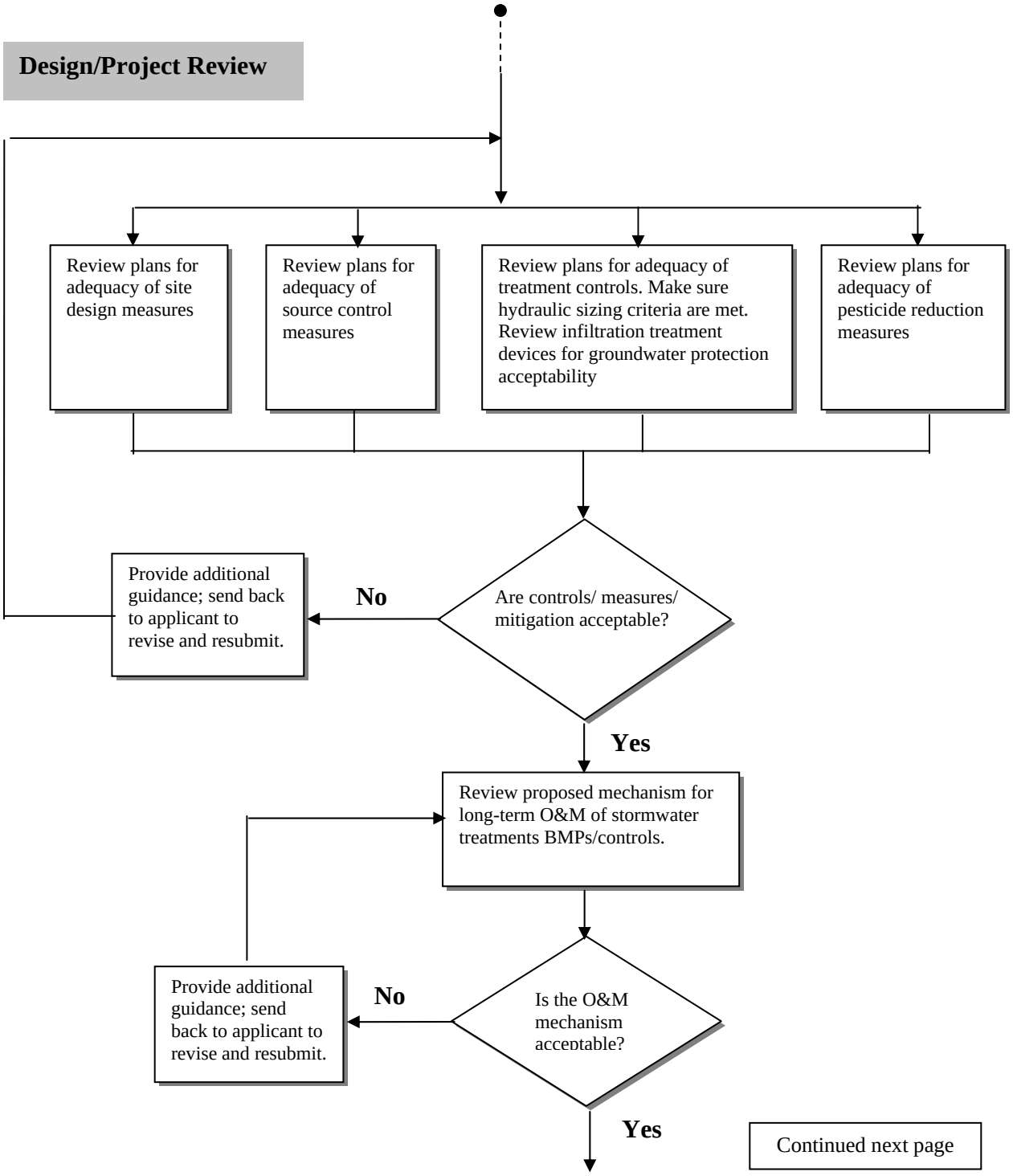
ATTACHMENT II-2

Incorporating Provision C.3 Requirements Into the Development Review Process Flow Chart

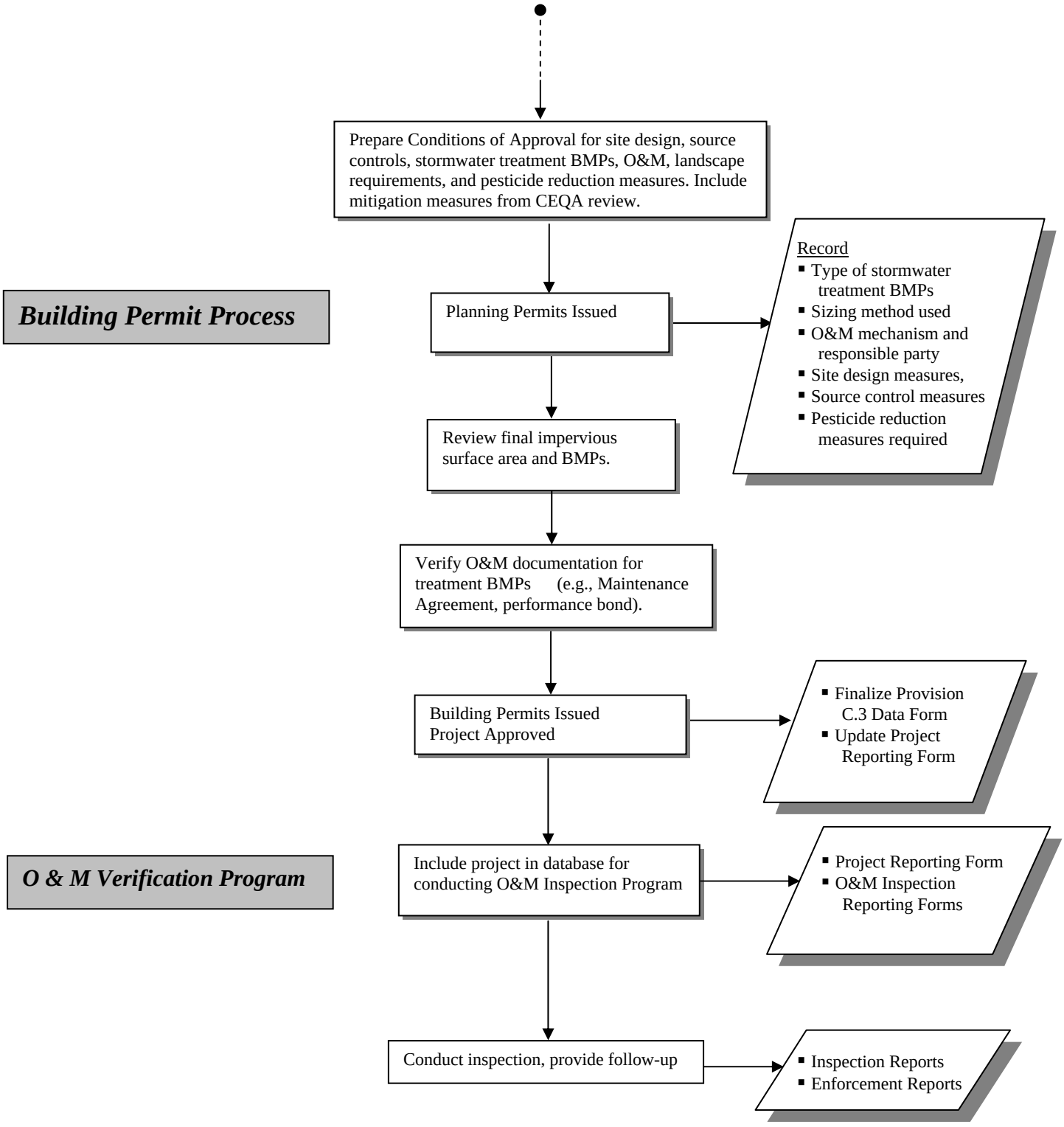
SCVURPPP Typical Development Review Process
Incorporating Provision C.3 Stormwater Requirements



SCVURPPP Typical Development Review Process Incorporating Provision C.3 Requirements (continued)



SCVURPPP Typical Development Review Process Incorporating Provision C.3 Requirements (continued)

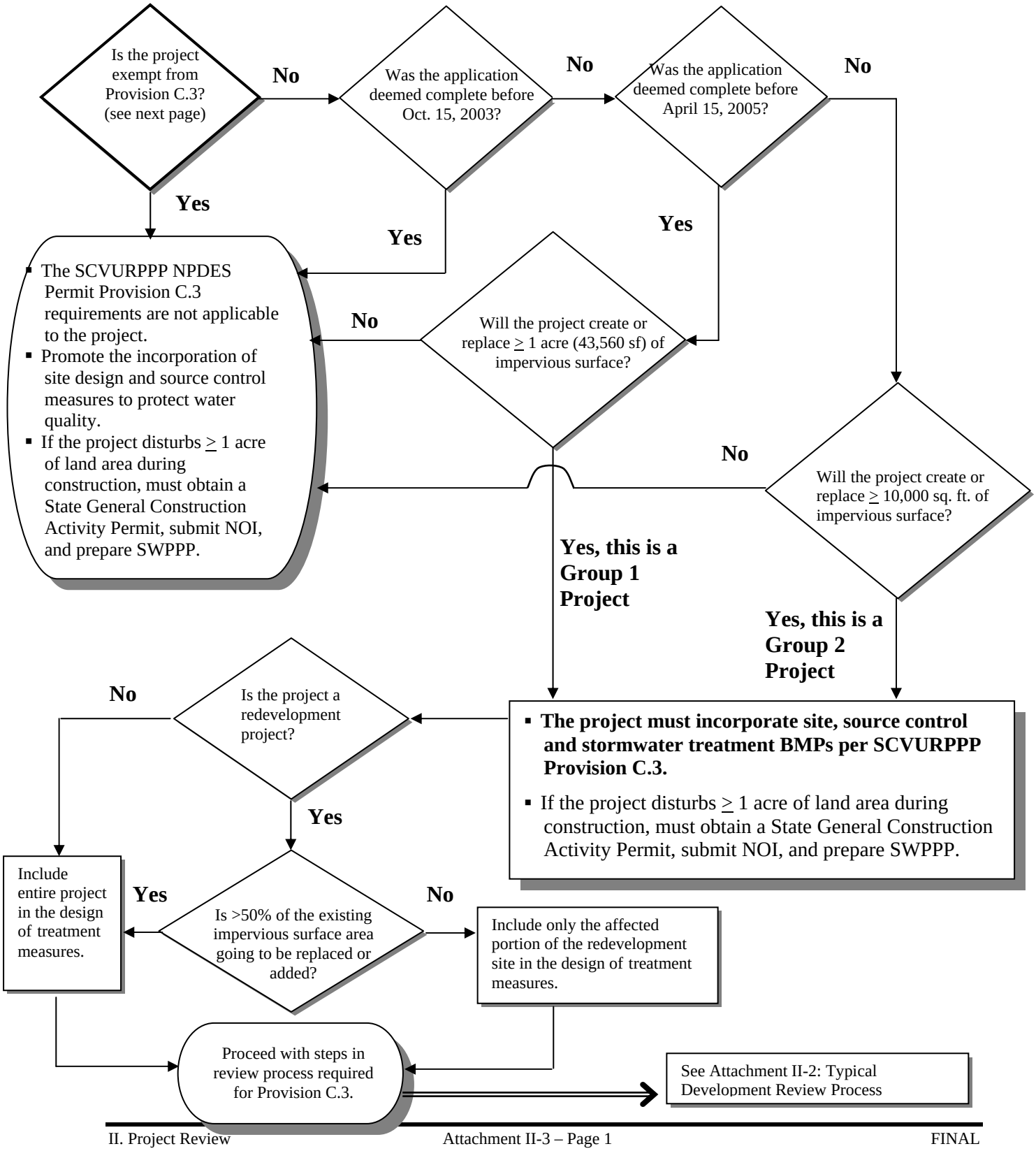


ATTACHMENT II-3

SCVURPPP
Provision C.3 Applicability Flow Chart

SCVURPPP

Provision C.3 Applicability Flow Chart



Stormwater Treatment Requirements Applicability Flow Chart
SCVURPPP (continued)

Projects Exempt from Provision C.3

Land Use Category	Exempted Land Use
Commercial, industrial, or residential developments.	Construction of one single-family home that is not part of a larger common plan of development, with the incorporation of appropriate pollutant source control and design measures, and using landscaping to appropriately treat runoff from roof and house-associated impervious surfaces (e.g., runoff from roofs, patios, driveways, sidewalks, and similar surfaces).
Street, road, highway, and freeway projects that are under the Dischargers' jurisdiction.	Sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features that are part of a street, road, highway or freeway project. Note, these are <u>not</u> exempt when part of commercial, industrial or residential developments.
Significant Redevelopment projects	Interior remodels and routine maintenance or repair, such as roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.

ATTACHMENT II-4

Stormwater Requirements Checklist For Municipal Staff

Stormwater Requirements Checklist

for Municipal Staff Ensuring Project Compliance with Provision C.3 Requirements

Question	Yes	No	Not Applicable	Additional Guidance (C.3. Handbook Reference)
A. All Projects				
1. Has the municipality recommended that project proponent incorporates site design techniques to reduce the impact of the project on creeks and water bodies?				**Chapter III.2**
2. Has the municipality recommended that project proponent incorporates source control techniques to reduce the impact of the project on creeks and water bodies?				**Chapter III.3**
3. Has the municipality provided the project proponent with information and guidance materials on site design guidelines, building permit requirements and BMPs for storm water pollution prevention early in the application process?				**Chapter III**
4. Has the municipality required the project proponent to demonstrate coverage under the State's General Permit for Storm Water Discharges Associated with Construction Activity if project disturbs a land area of 1 acre or more?				**Chapter II** **Attachment II-3**
5. Has the municipality ensured the project proponent prepare and implement an effective erosion and /or sediment control plan or similar document prior to the start of the wet season (as defined by local ordinance) if the project has the potential for significant erosion or planned construction during the wet season?				**Chapter II** **Attachment II-6**
6. Has the municipality ensured that the contractor complies with stormwater quality control requirements during construction and maintenance activities for public projects?				**Chapter II** **Attachment II-6** **Chapter VI**
7. Is project subject to Provision C.3 requirements? If not…DO NOT CONTINUE				**Chapter II.3** **Attachment II-3**
B. Provision C.3 Applicable Projects				
1. Has the municipality included conditions of approval for this project to ensure that pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures?				**Chapter III**
2. Has the municipality included conditions of approval for this project to ensure that increases in runoff flows, duration, and volume are managed per the requirements of the HMP?				**Chapter III** **Chapter V**

Stormwater Requirements Checklist

for Municipal Staff Ensuring Project Compliance with Provision C.3 Requirements

Question	Yes	No	Not Applicable	Additional Guidance (C.3. Handbook Reference)
3. Has the municipality required that treatment BMPs be sized per the hydraulic design criteria in Provision C.3?				**Chapter IV**
4. Has the municipality completed a C.3 Data Form for the project?				**Chapter VII**
5. Does the municipality have a legally enforceable agreement or mechanism that assigns responsibility for the maintenance of post-construction treatment BMPs at this project?				**Chapter VI**
6. Has the municipality included Conditions of Approval that require pesticide reduction measuresfor the project?				**Chapter III.6** **Attachment III-1**
7. Are source control BMPs being implemented at this project to protect groundwater quality?				**Chapter III**
8. Has the municipality ensured that the design of any infiltration devices onsite at this project follows the SCVURPPP and SCVWD guidelines?				**Chapter III** **Chapter VI**
C. Water Quality Review Process/CEQA				
1. Did the municipality evaluate water quality effects and identify appropriate mitigation measures required by Provision C.3 when they conduct environmental review of projects in their jurisdictions?				**Chapter II.5**

ATTACHMENT II-5

Stormwater Requirements Checklist For Project Proponents

Stormwater Requirements Checklist

for Project Proponents to Facilitate Project Compliance with Provision C.3. Requirements

Question	Yes	No	Not Applicable	Additional Guidance (C.3. Handbook Reference)
A. All Projects				
1. Have you considered and incorporated, as appropriate, site design techniques to reduce the impact of the project on creeks and water bodies?				**Chapter III.2**
2. Have you considered and incorporated, as appropriate, pollutant source control techniques to reduce the impact of the project on creeks and water bodies?				**Chapter III.3**
3. Have you collected and reviewed information on the municipality's preferred site design guidelines, building permit requirements and Best Management Practices (BMPs) for storm water pollution prevention during the conceptual design and application process?				**Chapter III**
4. If your project will disturb a land area of 1 acre or more during construction, have you obtained coverage under the State's General Permit for Storm Water Discharges Associated with Construction Activity?				**Chapter II** **Attachment II-3**
5. If your project has the potential for significant erosion or if you plan construction during the wet season (as defined by local ordinance), have you prepared an effective erosion and/or sediment control plan or similar document and do you plan to implement it prior to the start of the wet season?				**Chapter II** **Attachment II-6**
6. Have you prepared and do you plan to implement a Stormwater Pollution Protection Plan (SWPPP) that includes BMPs to protect stormwater quality during construction?				**Chapter II** **Attachment II-6** **Chapter VI**
7. Is your project subject to Provision C.3 requirements? If no DO NOT CONTINUE. If yes, proceed to B, next page.				**Chapter II.3** **Attachment II-3**

Stormwater Requirements Checklist

for Project Proponents to Facilitate Project Compliance with Provision C.3. Requirements

Question	Yes	No	Not Applicable	Additional Guidance (C.3. Handbook Reference)
B. Provision C.3 Applicable Projects				
1. Have you received and incorporated the municipality's conditions of approval for this project to ensure that pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures?				**Chapter III**
2. Have you received and incorporated the municipality's conditions of approval for this project to ensure that increases in stormwater runoff flows, duration, and volume are managed per the requirements of the Hydromodification Management Plan (HMP) and designed the project to meet the requirements of the HMP?				**Chapter III** **Chapter V**
3. Have you sized the necessary stormwater treatment BMPs to incorporate the hydraulic sizing design in Provision C.3?				**Chapter IV**
4. Have you assisted the municipality to complete a C.3 Data Form for the project?				**Chapter VII**
5. Have you considered pest-resistant landscaping and design features, minimization of impervious surfaces, and incorporation of stormwater detention and retention techniques in the design, landscaping, and/or environmental reviews of this project?				**Chapter III**
6. Are pollution prevention and source control BMPs being implemented at this project to protect groundwater quality?				**Chapter III**
7. Have you designed all on-site infiltration devices to meet SCVURPPP and SCVWD guidelines so that they do not cause or contribute to the degradation of groundwater quality objectives?				**Chapter III.4**
8. Have you entered into a legally enforceable agreement or mechanism that assigns the property responsibility for the maintenance of post-construction treatment BMPs over the life of the project and completed an O & M agreement with the municipality?				**Chapter VI**
C. Water Quality Review Process/CEQA				
1. In preparing the environmental review (e.g., CEQA initial study checklist) for the project, did you consider the water quality effects of your project and identify and implement appropriate mitigation measures required by Provision C.3?				**Chapter II.5**

ATTACHMENT II-6

Construction Erosion and Sediments Control – Resources for Developers, Builders, and Project Proponents

Santa Clara Valley
Urban Runoff
Pollution Prevention Program

Construction Erosion and Sediment Controls

Resources for Developers, Builders and Project Proponents

Urban stormwater runoff is a significant source of pollution to the nation's waters, including our creeks and the San Francisco Bay. In 1987, Congress began to address this problem by requiring municipalities with storm drain systems to obtain National Pollutant Discharge Elimination System (NPDES) permits. This, along with State requirements, has resulted in local requirements for the control of runoff from development projects.

The following is a list of resources available for developers, builders, and other project applicants with information on best practices for managing erosion and sediment at construction sites. Most of these items listed below are available through the Association of Bay Area Governments at http://store.abag.ca.gov/construction.asp or by contacting the San Francisco Estuary Project at (510) 622-2419.

Erosion and Sediment Control Field Manual–(Revised 2002) $30

- This manual was developed by the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) and provides descriptions and schematic drawings of best management practices (BMPs) for construction site planning and management, erosion and sediment control, pollution prevention and sampling guidelines. The new General Construction Permit Phase II regulations, the State Board sampling and monitoring guidelines, and long-term BMP maintenance information are included.

Guidelines for Construction Projects–(Revised 2003) $12

- This booklet, compiled by SFRWQCB, includes information pertaining to the statewide National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities, a guide to the State Water Resources Control Board, detailed instructions on preparing a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the SWPPP, 404 Permit and 401 Water Quality Certification requirements, and Waste Discharge Requirements.

Video: "Hold on to Your Dirt" (English or Spanish)–(Revised 2002) $15

- This 20-minute video illustrates installation and maintenance of some of the most commonly used BMPs used for grading projects and for stabilizing disturbed land areas. Filmed locally, the video also includes footage of environmental impacts caused by uncontrolled erosion from construction projects.

Video: "Keep it Clean" (English or Spanish)–(Revised 2002) $15

- This video shows the measures to use after mass grading and site stabilization. BMPs in the video are designed to prevent water pollution from construction-related activities (e.g.; painting, stucco, concrete washout facilities, saw-cutting). The video also discusses State sampling modifications. The English version is also available on CD.

CD Training Kit: Simple Tools - Construction Site Planning and Management for Water Quality Protection $58

- This CD ROM is a complete training kit for Construction Site Planning and Management for Compliance with Phase I and II NPDES requirements. The CD also contains electronic versions of the 1999 editions of the *Erosion and Sediment Control Field Manual* and the *Guidelines for Construction Projects* listed above.

A Primer on Stream & River Protection for the Regulator and Program Manager Technical Reference Circular W.D. 02- #1 (May 2003)

- This technical reference document by Ann Riley provides technical assistance for the typical permit applicant to address property managers' concerns for stream channel stability while addressing the water quality concerns of the SFRWQCB. It is used to improve the quality and speed of permit applications for projects affecting streams and includes color photos, sketches, diagrams, and graphs. The primer describes the methods of effectively addressing stream bank stability and flooding issues. This document is available for download free of charge at the SFRWQCB website: http://www.swrcb.ca.gov/rwqcb2/Agenda/04-16-03/Stream%20Protection%20Circular.pdf

Stormwater Best Management Practices Handbook – Construction

- This is one of a series of handbooks developed by California Association of Stormwater Quality Agencies (CASQA) and provides guidance for selecting and implementing BMPs to reduce the discharge of pollutants from construction sites. This document is available for download free of charge at the following website: http://www.cabmphandbooks.com/Construction.asp.

State Water Resources Control Board Website

- This website contains several materials useful for preventing stormwater pollution from construction sites, including information on the General Construction Activity Permits. Information includes frequently asked questions, a checklist to assist with preparation of the storm water pollution prevention plan, and contact information for staff available to answer any additional questions. The website is located at: http://www.swrcb.ca.gov/stormwtr/construction.html.

Santa Clara Valley
Urban Runoff
Pollution Prevention Program

ATTACHMENT II-7

CEQA Guidance Related to Provision C.3 Stormwater Requirements

- Table: CEQA Initial Study Guidance for Project Applicants
- Additional Resources for Environmental Review Process
- Table: Guidance for Co-Permittee Review/Modification of CEQA Procedures and Local CEQA Guidance

SCVURPPP Guidance for Project Applicants in Addressing Stormwater Quality Concerns During CEQA Review

The following table provides supplemental guidance to project applicants in completing the initial study checklist to address urban runoff water considerations during project environmental review.

CEQA Guidelines Question	Additional Issues to Address Stormwater Quality Concerns within the CEQA Initial Study Checklist
CHECKLIST CHAPTER IV: BIOLOGICAL RESOURCES	
IV.b) Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	The evaluation of a project's effect on sensitive natural communities should encompass aquatic and wetland habitats. Consider "aquatic and wetland habitat" as examples of sensitive habitat.
CHECKLIST CHAPTER VIII: HYDROLOGY AND WATER QUALITY	
VIII.a) Will the project violate any water quality standards or waste discharge requirements?	The evaluation of a project's compliance with water quality standards should consider the project's potential effect on water bodies on the Section 303(d) list[1], as well as the potential for conflict with applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses.
VIII.d) Will the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	The evaluation of a project's effect on drainage patterns should refer to the final approved SCVURPPP Hydromodification Management Plan (HMP), where applicable, to assess the significance of altering existing drainage patterns and to develop any mitigation measures. The evaluation of hydromodification effects should also consider any potential for streambed or bank erosion downstream from the project.
VIII.e) Will the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	The evaluation of a project's potential to create or contribute runoff should consider whether the project meets the NPDES permit's Group 1 or Group 2 criteria. The response to this question will indicate how Provision C.3 requirements will be met. Applicants must address Provision C.3 requirements in environmental documents for projects that meet Group 1 or Group 2 criteria.
VIII.f) Would the project otherwise substantially degrade water quality?	The evaluation of a project's potential to degrade water quality should consider whether a project has the potential to result in a significant impact to surface water quality, marine, fresh, or wetland waters, or to groundwater quality. As with every category of environmental impact, effects must be considered both during and after construction. The evaluation of water quality impacts should include a description of how the project will comply with the requirements of SCVURPPP's NPDES permit and the State's Construction General Permit. The description should also include a statement that the project should avoid creation of mosquito larval sources that would subsequently require chemical treatment to protect human and animal health.

[1] Available at: http://www.swrcb.ca.gov/rwqcb2/tmdlmain.htm

Additional Potential Water Quality Impacts

Additionally, the San Francisco Regional Board staff has expressed the concern that the following potential water quality impacts not be overlooked during CEQA review:

- Seasonal creeks;
- Stream crossing impacts;
- Turbidity limitation for discharged water;
- Whether increased runoff from increasing impervious surface will impact water ecology (along with storm drain capacity and flood control);
- Hydrograph modification;
- Endangered species;
- Off-site impacts to channels; and
- Appropriateness of runoff mitigation.

Additional Resources for the Environmental Review Process

Staff planners, engineers and consultants responsible for environmental reviews may find the following references useful for evaluating water quality impacts.

1. San Francisco Bay Regional Water Quality Control Board, 1995 Basin Plan and Amendments: (http://www.swrcb.ca.gov/rwqcb2/basinplan.htm).
2. Bay Area Stormwater Management Agencies Association, Start at the Source, 1999: (http://www.scvurppp.org).
3. California BMP Handbooks (New Development and Redevelopment, Construction Maintenance): (http://www.cabmphandbooks.com/).
4. Santa Clara Valley Urban Runoff Management Program, NPDES Permit Order No. 01-024 and NPDES Permit Order No. 01-119: (Appendix A and http://www.scvurppp-w2k.com/NPDES_Permit.htm)
5. 303 (d) Impaired Water Body List and TMDLs: (http://www.swrcb.ca.gov/rwqcb2/tmdlmain.htm)
6. San Jose Council Policy on Post-Construction Urban Runoff Management: (www.ci.san-jose.ca.us/planning/sjplan/counter/stormwater/pol_stormwater.pdf)
7. Santa Clara Valley Water District, Soils Data Mapping, 2003. (CDs have been provided to Co-permittees).
8. Santa Clara Valley Water District, Results of the Water Resources Collaborative that provides guidance on Water District review of projects near streams (under development): (http://www.valleywater.org/index.htm).

Guidance for Co-permittees' Review/Modification of CEQA Procedures and Local CEQA Guidance

CEQA Guidelines Question	Corresponding C.3.m Example Question(s)	Recommended Action
CHECKLIST CHAPTER IV: BIOLOGICAL RESOURCES		
IV.b) Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	x. Will the project impact aquatic, wetland, or riparian habitat?	The evaluation of a project's effect on sensitive natural communities should encompass aquatic and wetland habitats. Co-permittees may revise any local CEQA guidance to identify "aquatic and wetland habitat" as examples of sensitive habitat. It is also recommended that Co-permittees evaluate, as an adverse impact, changes to sensitive habitats that favor the development of mosquitoes and other biting flies that may pose a threat to public health.
CHECKLIST CHAPTER VI: GEOLOGY AND SOILS		
VI.b) Will the project result in substantial soil erosion or the loss of topsoil?	v. Will the proposed project result in increased erosion in its watershed?	No change is recommended in Co-permittees' procedures for responding to Checklist question VI.b. The issue raised by the C.3.m example question is addressed under Checklist question VIII.d.
CHECKLIST CHAPTER VIII: HYDROLOGY AND WATER QUALITY		
VIII.a) Will the project violate any water quality standards or waste discharge requirements?	vi. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, will it result in an increase in any pollutant for which the water body is already impaired? ix. Will the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	The evaluation of a project's compliance with water quality standards should consider the project's potential effect on water bodies on the Section 303(d) list, as well as the potential for conflict with applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Co-permittees may revise any local CEQA guidance to specify that these water quality standards be considered.
VIII.d) Will the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	iv. Will the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? v. Will the proposed project result in increased erosion in its watershed?	The evaluation of a project's effect on drainage patterns should refer to the final approved SCVURPPP Hydromodification Management Plan (HMP), where applicable, to assess the significance of altering existing drainage patterns and to develop any mitigation measures. The evaluation of hydromodification effects should also consider any potential for streambed or bank erosion downstream from the project. Co-permittees may revise any local CEQA guidance to include these instructions regarding the evaluation of hydromodification effects.

Guidance for Co-permittees' Review/Modification of CEQA Procedures and Local CEQA Guidance

CEQA Guidelines Question	Corresponding C.3.m Example Question(s)	Recommended Action
VIII.e) Will the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	iii. Will the proposed project result in increased impervious surfaces and associated increased runoff?	The evaluation of a project's potential to create or contribute runoff should consider whether the project meets the NPDES permit's Group 1 or Group 2 criteria. The response to this question will indicate how Provision C.3 requirements will be met. Co-permittees should advise applicants of the need to address Provision C.3 requirements in environmental documents for projects that meet Group 1 or Group 2 criteria.
VIII.f) Would the project otherwise substantially degrade water quality?	i. Would the proposed project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash). ii. Would the proposed project result in significant alteration of receiving water quality during or following construction? vii. Would the proposed project have a potentially significant environmental impact on surface water quality, to marine, fresh, or wetland waters? viii. Would the proposed project have a potentially significant adverse impact on ground water quality?	The evaluation of a project's potential to degrade water quality should consider whether a project has the potential to result in a significant impact to surface water quality, marine, fresh, or wetland waters, or to groundwater quality. As with every category of environmental impact, effects must be considered both during and after construction. The evaluation of water quality impacts should include a description of how the project will comply with the requirements of SCVURPPP's NPDES permit and the State's Construction General Permit. The description should also include a statement that the project should avoid creation of mosquito larval sources that would subsequently require chemical treatment to protect human and animal health. Co-permittees may include these instructions in any local CEQA guidance.